S.B. CIVIL WRIT PETITION NO.5499/2007

Pola Ram

vs.

Civil Judge (JD), Jodhpur and others.

Date : 22.10.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.RS Sharma, for the petitioner.
Mr.RR Choudhary, for the respondents.

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Heard learned counsel for the parties.

The petitioner is aggrieved by the order dated 24.7.2007 by which the trial court rejected the petitioner's application for amendment in the plaint.

Learned counsel for the petitioner/plaintiff submits that the defendants/respondents raised certain construction during the pendency of the suit and, therefore, the petitioner sought amendment in the plaint seeking relief in view of the changed circumstances.

I considered the submissions of learned

counsel for the parties and perused the amendment sought by the petitioner.

It appears from the application that the petitioner did not mention any relevant fact when the property was altered by the defendant. Mere allegation that during pendency of suit, the defendant altered the suit property is of no consequence as the application was submitted at the time of final arguments, therefore, it is not known whether the alleged act was committed by the defendant even before the evidence of the plaintiff or not ? In view of the above, the trial court rightly dismissed the amendment application.

In view of the above, I do not find any reason to interfere in the impugned order. Accordingly, this writ petition having no force, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya